

IN THE CIRCUIT COURT FOR FREDERICK COUNTY, MARYLAND

STATE OF MARYLAND

*

v.

*

Case No.: C-10-CR-21-000535

AV

NORRIS BERNARD ELLIS

*

Defendant

DEFENDANT'S REQUEST FOR DISCOVERY

The following requests are submitted, in accordance with the Maryland Rules, in the above referenced matter.

- A. The purpose of these requests is to obtain disclosure of materials and information to the fullest extent authorized by the Maryland Rules or other applicable law. This general purpose supersedes any language that might appear to limit the object or scope of any request. Moreover, no subsequent discovery request in this case should be construed to limit or supersede these requests.
- B. Captions or headings used to separate paragraphs are not part of the requests but are for organization only.
- C. These requests are continuing in nature pursuant to the Maryland Rules. Accordingly, responsive information discovered after initial compliance with these requests should be furnished promptly.
- D. These requests do not limit or waive production of any and all materials required to be furnished without request pursuant to Maryland Rules, including, but not limited to:
 - (a) any and all materials or information tending to negate or mitigate the guilt of the Defendant;
 - (b) any and all materials or information tending to mitigate punishment for this offense;
 - (c) any and all materials or information regarding the acquisition of statements made by the Defendant;
 - (d) any and all materials or information regarding searches and seizures, wire taps or eavesdropping related to this case;
 - (e) any and all materials or information regarding pretrial identification of the Defendant.

WITNESSES

1. Disclose the name and address of each person whom the State intends to call as a witness at a hearing or at trial to prove its case in chief.
2. Disclose the name and address of each person whom the State intends to call as a witness at a hearing or trial to rebut alibi testimony.

3. Furnish the names, addresses, and physical description of each person other than the Defendant who was arrested or otherwise taken into custody by the State as a possible suspect in this case.
4. Furnish the substance of any and all agreements, promises, or inducements made to any witness by the State.
5. Furnish the criminal records of the State's witnesses.

STATEMENTS

6. Furnish a copy of each written or recorded statement made by the Defendant.
7. Furnish the substance of each oral statement made by the Defendant.
8. Furnish a copy of all reports, which include or relate to oral statements made by the Defendant.

STATEMENTS OF CO-DEFENDANTS, AND/OR ACCOMPLICES AND/OR ACCESSORIES AFTER THE FACT

9. Furnish a copy of each written or recorded statement made by a co-defendant, and/or accomplice, and/or accessory after the fact related to this case.
10. Furnish the substance of each oral statement made by a co-defendant, and/or accomplice, and/or accessory after the fact related to this case.
11. Furnish a copy of all reports of each oral statement made by a co-defendant, and/or accomplice, and/or accessory after the fact related to this case.

REPORTS OF EXPERTS

12. Produce and permit the Defendant to inspect and copy all written reports and statements made in connection with this case by each expert consulted by the State, including, but not limited to the results of any physical or mental examination, scientific test, experiment, or comparison.
13. Furnish the substance of any oral report and conclusion made in connection with the action by each expert consulted by the State, including, but not limited to the results of any physical or mental examination, scientific test, experiment, or comparison.

EVIDENCE

14. Produce and permit the Defendant to inspect and copy any books, papers, documents, recordings, videotapes or photographs related to this case. This shall include all testimonial reports of ANY KIND whatsoever related to or possibly related to the aforementioned case, including but not limited: ALL Body Worn Cameras for all officers on scene, all photographs of any kind made or produced by any person that the Government has control over or could exercise control over, any and all MVA records

the State has or could produce that would tend to either incriminate or exculpate the Defendant, and any and all notes, markings, rough drawings, or other tangible items in possession of the State or their agents. The Defendant demands strict proof of the accuracy and calibration for any EC-IR II used to measure or extrapolate the Blood Alcohol Content of the Defendant. This Discovery Demand shall include the request for all monthly logs showing or tending to show the monthly servicing required by the State Medical Examiner. In addition, all certifications showing or tending to show the trustworthiness of the Gas used for comparison. All certifications the Officer has or could have in their possession or in possession of their employer.

15. Produce and permit the Defendant to inspect any photographs which the State may have exhibited to any witness for purposes of identification of the Defendant, and furnish copies of said photographs, the names and addresses of all persons who viewed said photographs, and the result of each viewing of said photographs.
16. Furnish the time, place, and circumstances of any confrontation by identification witnesses in any manner other than a line-up, while the Defendant was in custody of the State, including the names and addresses of all persons witnessing said confrontation.
17. Produce and permit the Defendant to inspect, copy and photograph any item obtained from or belonging to the Defendant, whether or not the State intends to use the item at a hearing or at trial.
18. Permit inspection and/or provide copies of any photographs, diagrams, blueprints, layouts, videos, CGI's, or plans of the grounds or buildings of the premises involved in these proceedings, which are in the possession of the State.
19. Permit inspection and/or provide copies of any photographs, film slides, or moving pictures/videos, which the State has in its possession, which are related to this case.
20. Produce and permit Defendant to inspect and copy any warrants, affidavits, inventories, or other papers related to these proceedings.
21. Provide the Defendant with copies of any certifications relating to the operation of any machine, instrument, testing solution, or other device or substance used to test any specimen of breath, blood, or other material collected as evidence in this case.

CONFIDENTIAL INFORMANT

22. Provide the name and address of any informant, confidential or otherwise, who was a participant in the alleged act which is the basis for this indictment, or who was a participant in any act which formed any part of the basis for any warrant or process issued and executed in this case, or who was a participant in any act which was relied upon by any law enforcement official as probable cause to make an arrest and/or search in this case.
23. Provide the defense with the prior criminal record of any informants, confidential or otherwise, and the substance of any agreements, promises, or inducements made to any informants, confidential or otherwise, who participated in any manner in this case.

OFFICIAL REPORTS

24. Furnish copies of any and all statements or reports related to this case that have been reduced to writing.
25. Furnish legible photo static, xerox, digital, or electronic copies of all crime laboratory reports related to this case.
26. Furnish copies of all offense reports or other official police reports related to this case.
27. Furnish copies of any and all medical reports that the State has in its possession, which are related to this case.

TRANSCRIPTS OF GRAND JURY TESTIMONY

28. Provide to the Defendant transcript(s) of the testimony of all witnesses who testified at the Grand Jury proceedings in this cause. This request is made in the interest of judicial economy and to obviate the need for a defense-requested continuance at the end of the direct examination of each State's witness. The State is hereby put on notice that transcript(s) should be ordered promptly.

Respectfully submitted
Kurtz Peters & Associates, LLC.,

/s/ Benjamin M. Kurtz

By:

Benjamin M. Kurtz, Esquire
(AIS#) 1601070008
620 Hungerford Drive, Suite 14
Rockville, Maryland 20850
PH: 301-685-3911 FX: 301-685-3674
bkurtz@kurtzandpeters.com
Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of October 2022, a copy of the foregoing Request for Discovery was electronically delivered to the States Attorney's office for Frederick County, Maryland via MDEC.

/s/ Benjamin M. Kurtz

Benjamin M. Kurtz, Esquire